

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:15-CR-177-TAV-CCS-1
)	
MICHAEL BENANTI,)	
)	
Defendant.)	

ORDER

This case is before the Court on the Report and Recommendation entered by United States Magistrate Judge C. Clifford Shirley, Jr., on September 16, 2016 (the “R&R”) [Doc. 54]. In the R&R, Magistrate Judge Shirley recommends that the defendant’s Motion To Strike Multiplicitous Counts [Doc. 37] be granted in part, in that three § 922(g) convictions be deemed multiplicitous, and denied in part, in that all convictions for violations of § 922(g), if any, be merged following trial, rather than striking the counts pretrial. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

After a careful review of the matter, the Court is in agreement with Magistrate Judge Shirley’s recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 54]. The Court hereby **GRANTS in part and DENIES in part** the defendant’s Motion To Strike Multiplicitous Counts [Doc. 37]. If the defendant is convicted of multiple § 922(g)

counts, they shall be deemed multiplicitous and accordingly merged following trial, rather than stricken pretrial.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE